

ORDINANCE

(AS AMENDED)

CITY OF NEW ORLEANS

CITY HALL: June 20, 2012

CALENDAR NO. 29,620

NO. 25407 MAYOR COUNCIL SERIES

BY: COUNCILMEMBERS HEAD AND CANTRELL (BY REQUEST)

AN ORDINANCE to amend and reordain Chapter 110, Article II, Section 110-48 and Chapter 110, Article II, Division 5 of the Code of the City of New Orleans to reserve the provisions of Section 110-48, and to create new divisions for mobile food vending on the public right-of-way relative to mobile vendors (food trucks), stationary vendors, ice cream vendors and foot, pushcart or animal drawn food vendors, Divisions 5 – 5.3, respectively, to require permitting and/or franchising, to establish application, permit and franchise fees and other costs thereto, and to establish rules, requirements and regulations thereto; and otherwise to provide with respect thereto.

WHEREAS, the laws governing itinerant food vendors were originally adopted in 1956 and have remained largely unchanged; and

WHEREAS, it is desirable to update the laws to reflect an expanding mobile food vending industry; and

WHEREAS, the primary purpose of the public right-of-way is for use by vehicular and pedestrian traffic; and

WHEREAS, the intention is to update the laws, but mitigate against potential traffic, public health, safety and welfare concerns with reasonable regulations; **NOW THEREFORE:**

1 **SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**

2 **ORDAINS**, that Chapter 110, Article II, Division I, Section 110-48 of the Code of the City of
3 New Orleans is hereby amended and reordained to read as follows:

4 **“Sec. 110-48. - Reserved.**

5 * * *

1 **SECTION 2.** Chapter 110, Article II, Division 5 of the Code of the City of New Orleans is

2 hereby amended and reordained to read as follows:

3 **“DIVISION 5. - FOOD – Mobile Vending**

4 **Sec. 110-186. – Definitions**

5 **Central Business District**, for the purpose of this division, means the area bounded by: the
6 Mississippi River, the northbound side of North Rampart Street, Iberville Street and Howard
7 Avenue and Andrew Higgins Drive.

8 **Clean Zone** means an area established by an ordinance adopted by the Council of the City of
9 New Orleans that suspends certain permits and prohibits the transaction of certain business
10 and/or commercial activities on designated areas of public property and outside of enclosed
11 buildings, within the City of New Orleans during specific dates and times.

12 **Faubourg Marigny**, for the purpose of this division, means the area bounded by: Esplanade
13 Avenue, North Rampart, Elysian Fields Avenue and Royal Street.

14 **Franchisee** means the recipient of a mobile vending franchise under the terms and provisions of
15 this division.

16 **Mobile Food Truck** means a double-axle vehicle that is completely mobile with no permanent
17 fixed location, the vendor of which prepares all or most of its victuals on board the vehicle to
18 serve or distribute to customers, in a form suitable for immediate ingestion or consumption. This

19 definition excludes vendors selling only fresh, uncooked or unprepared produce or seafood, or
20 farmers selling their own produce or value-added products (oils, jams, jellies, etc.) directly to
21 customers from motor vehicles. Vendors selling only fresh, uncooked or unprepared produce or
22 seafood, or farmers selling their own produce or value-added products (oils, jams, jellies, etc.)
23 shall be regulated by Division 5.1 of Article II in Chapter 110 of the Code of the City of New
24 Orleans.

25 **Mobile Vendor** means a person, natural or juridical, that has obtained a valid permit and/or
26 franchise to operate a mobile food truck to serve or distribute victuals on the public right-of-way.

27 **Permitee** means the recipient of a mobile vending permit under the terms and provisions of this
28 division.

29 **Public right-of-way** means any city street, alley, road, sidewalk, neutral ground, or other
30 passageway whereby pedestrians or vehicles traverse.

31 **Serve or distribute** means soliciting the sale of or offering for sale victuals. Corporate sampling
32 is not permitted.

33 **Victuals** means food of any kind that is prepared, packaged or in a form that is suitable for
34 immediate ingestion or consumption by human beings. This definition excludes the selling of
35 fresh produce or raw or cooked seafood sold in bulk or by weight that has not been prepared,
36 packaged or served with other prepared foods as part of a menu item. Sale of fresh, uncooked or
37 unprepared produce or seafood, or farmers selling their own produce or value-added products
38 (oils, jams, jellies, etc.) shall be regulated by Division 5.1 of Article II in Chapter 110 of the
39 Code of the City of New Orleans.

40 **Vieux Carré**, for the purpose of this Division, means the area bounded by: Iberville Street,
41 northbound side of North Rampart Street, Esplanade Avenue and the Mississippi River.

42 **Sec. 110-187. Permit or Franchise required and authorized.**

43 Every person, whether natural or juridical, who desires to use the public right-of-way or public
44 places to conduct any of the businesses or callings hereinafter set forth, shall first apply for and
45 be granted a mobile vending permit from the Department of Finance, and/or a mobile vending
46 franchise ordinance from the City Council as provided in this division.

47 **Sec. 110-188. – Permit requirements.**

48 (a) A mobile vending permit shall be applied for with the Department of Finance and
49 shall be on forms provided by the City and in the format and number of copies as
50 required by the instructions. No permit shall be issued until all requisite
51 approvals by the State Department of Health and Hospitals and the Fire
52 Department are finalized and received by the Department of Finance. All permit
53 holders shall comply with all applicable laws and regulations of the State of
54 Louisiana and the Code of the City of New Orleans.

55 (b) Any permit that is issued shall in each instance state the occasion for which it is
56 issued and the date upon which it will expire and shall be in addition to any other
57 required tax or license. Permits shall be issued on an annual basis and shall expire
58 on December 31. Renewal applications shall be made by January 31. Nothing
59 contained herein precludes the prorating of permit fees.

60 (c) The number of permits issued under this division shall at no time exceed 100 for
61 the entire city.

62 (d) Permits shall be conspicuously displayed and affixed to the front windshield,
63 lower corner, passenger side and be clearly visible from outside the mobile food
64 truck at all times during operation.

65 (e) Except as otherwise provided in this division, permits issued under this division
66 are valid for use in business, commercial, industrial and mixed use zoning
67 districts as defined in the New Orleans Comprehensive Zoning Ordinance, as
68 amended, including the southbound side of North Rampart Street between
69 Esplanade Avenue and Canal Street and the southbound side of Loyola Avenue
70 and Elk Place between Cleveland Street and Howard Avenue. Nothing contained
71 herein shall be construed to authorize the use of any permit:

- 72 1) In the Central Business District;
- 73 2) In the Vieux Carré;
- 74 3) In the Faubourg Marigny;
- 75 4) In any residential or park district as defined in the New Orleans
76 Comprehensive Zoning Ordinance, as amended;
- 77 5) On Maple Street between Audubon Place and Leake Avenue;
- 78 6) On Oak Street between Broadway Street and Monticello Avenue;
- 79 7) In the area bounded by: Louisville Street, Vicksburg Street, Robert E Lee
80 Boulevard and Conrad Street;
- 81 8) On St. Bernard Avenue between Interstate 610 and Lakeshore Drive;
- 82 9) On Paris Avenue between Interstate 610 and Lakeshore Drive;
- 83 10) On Elysian Fields between Interstate 610 and Lakeshore Drive; and
- 84 11) On Franklin Avenue between Interstate 610 and Lakeshore Drive.

85 (f) Permits issued under this division are not valid:

- 86 1) During the Mardi Gras Season in the locations governed by sections 34-34 et.
87 seq.;

- 88 2) During the Annual New Orleans Jazz and Heritage Festival Season within the
89 area bounded by Florida Avenue on the north, North Broad Avenue on the
90 east, Esplanade Avenue on the south, and Bayou St. John on the west
91 (excluding the portion of that area contained within the exterior boundaries of
92 the New Orleans Fair Grounds Racetrack) commencing at 7:00 a.m. on the
93 first day of live music performances and continuing through and until 11:59
94 p.m. on the concluding day of live music performances;
- 95 3) In a clean zone as authorized by an ordinance adopted by the Council; and
- 96 4) When the City requires the use of its public right-of-way to facilitate projects
97 or events within the right-of-way.

98 (g) The Director of the Department of Finance may prescribe such other policies and
99 procedures as to the issuance of permits as may be required to carry out the full
100 intent and purpose of this division.

101 **Sec. 110-189. – Franchise requirements.**

- 102 (a) A valid mobile vending franchise ordinance with the City shall be obtained in
103 such a manner pursuant to this section for a mobile vendor to lawfully operate:
- 104 1) In the Central Business District;
- 105 2) In the Faubourg Marigny;
- 106 3) In any residential or park district as defined in the New Orleans
107 Comprehensive Zoning Ordinance, as amended;
- 108 4) On Maple Street between Audubon Place and Leake Avenue;
- 109 5) On Oak Street between Broadway Street and Monticello Avenue;

- 110 6) In the area bounded by: Louisville Street, Vicksburg Street, Robert E Lee
111 Boulevard and Conrad Street;
- 112 7) On St. Bernard Avenue between Interstate 610 and Lakeshore Drive;
- 113 8) On Paris Avenue between Interstate 610 and Lakeshore Drive;
- 114 9) On Elysian Fields between Interstate 610 and Lakeshore Drive; and
- 115 10) On Franklin Avenue between Interstate 610 and Lakeshore Drive.
- 116 (b) A mobile vending franchise shall be applied for with the Department of Public
117 Works and shall be on forms provided by the City and in the format and number
118 of copies as required by the instructions. No franchise shall be issued until all
119 requisite approvals by the State Department of Health and Hospitals and the Fire
120 Department are finalized and received by the Department of Public Works. All
121 franchisees shall comply with all applicable laws and regulations of the State of
122 Louisiana and the Code of the City of New Orleans.
- 123 (c) The Director of the Department of Public Works, or his/her authorized designee,
124 shall evaluate the mobile vending franchise application and submit to the City
125 Council a report and recommendation for review and approval. The City Council
126 may issue a revocable mobile vending franchise ordinance for the use of certain
127 city streets. Any such ordinance shall conform to the terms and conditions as
128 provided in this division.
- 129 (d) Each application for a mobile vending franchise shall provide the desired fixed
130 location on certain public streets in the City of New Orleans with specificity, and
131 shall provide the desired days of the week and correlating hours the location is
132 proposed to be occupied by the potential franchisee.

- 133 (e) Each application for a mobile vending franchise shall provide a photo and the
134 dimensions of the mobile food truck to be used in the sale of items specified
135 herein.
- 136 (f) The following standards and criteria shall be utilized by the Department of Public
137 Works in formulating its recommendation to the City Council relative to the
138 appropriateness of an applicant's desired location, day(s) and time(s):
- 139 1) Creation of a pedestrian or vehicular safety hazard;
 - 140 2) Road, sidewalk and public right of way geometrics including, but not limited
141 to: design, alignment, configuration, width, and vehicle site-line distance;
 - 142 3) Impediments to traffic flow;
 - 143 4) Traffic congestion, patterns circulation, movements and average daily trip
144 volumes;
 - 145 5) Speed limits and traffic speeds;
 - 146 6) Traffic studies and accident rates;
 - 147 7) On-street parking requirements;
 - 148 8) The geographic make-up of the area;
 - 149 9) Impact on any nearby residential uses; and
 - 150 10) Any other factor deemed to be a potential safety hazard by the Department of
151 Public Works.

152 Upon evaluating an application for a mobile vending franchise, the Department of Public Works
153 shall recommend approval or denial in a written report to the City Council. The Department of
154 Public Works shall recommend denial of a franchise request that has a significant adverse impact
155 on vehicular or pedestrian flow, movement or safety.

156 (g) If approved by the Council, a serial-numbered franchise permit shall be codified
157 in the mobile vending franchise ordinance. Said serial number shall appear on
158 signage placed by the City at the designated selling location and on the mobile
159 vending franchise permit. The Department of Public Works shall also mark the
160 street with lines to indicate the approved mobile vending location. The mobile
161 vending franchise permit shall be conspicuously displayed and affixed to the front
162 windshield, lower corner, passenger side and be clearly visible from outside the
163 mobile food truck at all times during operation. No franchisee shall remain or
164 continue to occupy the designated location(s) beyond the approved days and times
165 without amending the franchise ordinance.

166 (h) Franchises are not valid:

- 167 1) In the Vieux Carré;
- 168 2) During the Mardi Gras Season in the locations governed by sections 34-34
169 et. seq.;
- 170 3) During the Annual New Orleans Jazz and Heritage Festival Season within
171 the area bounded by Florida Avenue on the north, North Broad Avenue on
172 the east, Esplanade Avenue on the south, and Bayou St. John on the west
173 (excluding the portion of that area contained within the exterior
174 boundaries of the New Orleans Fair Grounds Racetrack) commencing at
175 7:00 a.m. on the first day of live music performances and continuing
176 through and until 11:59 p.m. on the concluding day of live music
177 performances;
- 178 4) In a clean zone as authorized by an ordinance adopted by the Council; and

179 5) When the City requires the use of its public right-of-way to facilitate
180 projects or events within the right-of-way.

181 (i) The Director of the Department of Public Works may prescribe such other
182 policies and procedures as to the processing of franchise applications as may be
183 required to carry out the full intent and purpose of this Division.

184 (j) All applicants for a mobile vending franchise must post an official notification
185 sign informing the public of a pending franchise application. The official
186 notification sign shall be in a format designated by the Department of Public
187 Works and shall be installed by the applicant ten (10) days before the Council
188 meeting at which the application will appear on the agenda for consideration. The
189 official notification sign shall be conspicuously displayed on the same block as
190 the proposed franchise in a location determined by the Department of Public
191 Works and shall be clearly visible. The sign shall include the following
192 information:

- 193 (1) the name of the franchise applicant and franchise application number,
- 194 (2) the date, time, and location of the next Council meeting at which the
195 application will appear on the agenda for consideration, and
- 196 (3) the proposed franchise location and days and times of operation.

197 (k) All mobile vending franchise applicants shall be responsible for all costs
198 associated with compliance with the notice requirements of this section.

199 **Sec. 110-190. – Permit and Franchise Fees.**

200 (a) There shall be an initial permit application fee of \$50.00, which shall be

201 submitted to the Department of Finance along with the permit application to
202 defray the cost of processing. Upon permit issuance, there shall be an additional
203 \$400.00 permit fee, which shall be renewed annually to reasonably compensate
204 the City for the cost of the restricted use of the public right-of-way. Payment shall
205 be by check or money order payable to the City.

206 (b) There shall be an initial franchise application fee of \$175.00, which shall be
207 submitted to the Department of Public Works along with the franchise application
208 to defray the cost of processing and evaluating the application. Upon franchise
209 issuance, there shall be an additional franchise fee, which shall be renewed
210 annually to reasonably compensate the City for the cost of the restricted use of the
211 public right-of-way. The cost of the franchise fee shall be recommended by the
212 Department of Public Works and ordained by the Council, based on the following
213 criteria:

- 214 1) The location of the franchise;
- 215 2) The length, in feet, that the food truck will occupy on the street, including
216 the space required for placement of a trash receptacle;
- 217 3) The times, duration and days of operation;
- 218 4) Parking availability and costs in the area;
- 219 5) Cost of franchise signage and street marking; and
- 220 6) Any other factor deemed to be a potential cost factor as determined by the
221 Department of Public Works or the Council of the City of New Orleans.

222 In no event shall the annual franchise fee exceed \$28,200.00. Payment shall be
223 by check or money order payable to the City. Annual franchise fees are due by
224 January 31, to the Department of Public Works.

225 **Sec. 110-191. – Rules and regulations for all mobile food vendors**

226 In addition to all other applicable laws pertaining to permits and franchises, all mobile vendors
227 operating pursuant to this division shall also be subject to the following provisions:

- 228 a. All mobile food trucks shall be registered in the State of Louisiana. Any driver of
229 a mobile food truck shall possess a valid Louisiana Driver's License.
- 230 b. All mobile vendors shall comply with all applicable parking, traffic and vehicle
231 safety laws, regulations and restrictions, but in no event shall any mobile vendor
232 remain in any one location for more than four hours, unless otherwise permitted
233 by law.
- 234 c. No mobile vendor shall operate within twenty (20) feet of any intersection.
- 235 d. No mobile vendor shall operate within twenty (20) feet of any stop sign, flashing
236 beacon, yield sign or other traffic control signal located on the side of a roadway.
- 237 e. No mobile vendor shall operate within three (3) feet of any public or private
238 driveway, wheelchair ramp or bicycle ramp.
- 239 f. No mobile food truck shall be more than twenty-six (26) feet in length or eight (8)
240 feet in width.
- 241 g. No mobile vendor shall sell alcoholic beverages, controlled substances, or any
242 other item the possession or use of which is deemed illegal under any federal,
243 state or local law.
- 244 h. No mobile vendor shall sell goods, wares or other items of merchandise other than

- 245 victuals.
- 246 i. No mobile vendor shall place any chairs, stools, tables or other fixtures, furniture
247 or other obstructions on any portion of the public street, sidewalk or right-of-way,
248 except as provided in subpart (j) of this section.
- 249 j. All mobile vendors shall provide a trash receptacle within three feet of the front or
250 back of the mobile food truck on the public street, which shall be large enough to
251 contain all refuse generated by operation. The location shall be kept clean and
252 free of trash and debris. All mobile vendors shall be responsible for cleaning all
253 debris and refuse generated by such operation within fifty (50) foot radius of the
254 mobile food truck upon ceasing operation. It shall be unlawful for any mobile
255 vendor to leave any location without first picking up, removing and properly
256 disposing of all trash or refuse remaining at a location. Any trash, garbage, refuse
257 or other debris generated by the mobile vendor or relating to the operation of the
258 mobile vendor shall be disposed of at approved locations. Nothing contained
259 herein shall permit the placement of a trash receptacle on any sidewalk.
- 260 k. It shall be unlawful for any mobile vendor to operate a mobile food truck in any
261 manner that impedes the flow of vehicular or pedestrian traffic on any public
262 right-of-way.
- 263 l. No mobile food vendor shall operate a mobile food truck in any manner that
264 impedes the ingress or egress of a building or structure during its operating hours.
- 265 m. It shall be unlawful for any mobile vendor to operate a mobile food truck that is in
266 a defective, unsafe or unsanitary condition in violation of any applicable law or
267 regulation.

- 268 n. No mobile vendor shall operate any horn, sound amplification system, or other
269 sound-producing device or music system which can be heard outside the mobile
270 food truck when such mobile food truck is moving, stopped, standing or parked,
271 or is being operated as allowed under this division.
- 272 o. No advertising shall be permitted on any mobile food truck, except to post prices
273 and to identify the name of the product or name of the lawful mobile food vendor.
- 274 p. All mobile vendors must comply with all other applicable conditions and
275 requirements imposed upon mobile vendors under the law, and must comply with
276 all applicable city and state health laws and regulations and shall make such sales
277 tax returns and other reports as required by provisions of the Code of the City of
278 New Orleans.
- 279 q. All mobile vendors shall immediately notify the Department of Finance if the
280 State Department of Health and Hospitals revokes a vendor's ability to operate.

281 **Sec. 110-192. – Existing vendors**

282 Nothing contained herein shall invalidate a legally issued and valid permit relative to the vehicle
283 of a vendor selling victuals that was legally operating on the date of adoption of this ordinance.

284 **Sec. 110-193. – Insurance requirements**

- 285 (a) At the time of application for, and prior to the issuance of, any permit or franchise
286 pursuant to this division, each and every applicant shall provide written proof of
287 commercial general liability insurance coverage. At the time of application for,
288 and throughout the period of validity of, any permit issued to the applicant, the
289 policy or policies must be in full force and effect and must be underwritten by a
290 carrier licensed to do business in the state. Such insurance coverage shall provide

291 liability coverage of not less than \$500,000.00 for any and all claims against the
292 applicant and/or the city arising out of or in any way connected to or associated
293 with the vendor or any of its operations, including but not limited to bodily
294 injuries, personal injuries, and injuries to property, and shall name the city as an
295 additional insured.

296 (b) At the time of application for, and prior to the issuance of, any permit or franchise
297 pursuant to this division, each and every applicant shall provide written proof of
298 commercial vehicle insurance coverage in compliance with state law.

299 **Sec. 110-194. - Fines and forfeitures – process and procedure.**

300 (a) Any violation of any applicable provision of this chapter may be grounds for
301 revocation of any permit or franchise issued under this division and shall be an
302 infraction punishable by a fine not to exceed \$500.00 per violation.

303 (b) Violations of the provisions of this division shall be brought by the appropriate
304 department or agency to administrative adjudication as provided in Chapter 6 of
305 the Code of the City of New Orleans, or to municipal court.

306 **DIVISION 5.1 - FOOD – Stationary Vending**

307 **Sec. 110-195. – Definitions**

308 **Central Business District**, for the purpose of this division, means the area bounded by: the
309 Mississippi River, the northbound side of North Rampart Street, Iberville Street and Howard
310 Avenue and Andrew Higgins Drive.

311 **Clean Zone** means an area established by an ordinance adopted by the Council of the City of
312 New Orleans that suspends certain permits and prohibits the transaction of certain business

313 and/or commercial activities on designated areas of public property and outside of enclosed
314 buildings, within the City of New Orleans during specific dates and times.

315 **Franchisee** means the recipient of a stationary vending franchise under the terms and provisions
316 of this division.

317 **Sell** means the transferring of fresh, uncooked or unprepared produce, raw or cooked seafood
318 sold in bulk or by weight that has not been prepared, packaged or served with other prepared
319 food as part of a menu item, value-added products or flavored frozen water-based food products
320 (snowballs) in exchange for money. Corporate sampling is not permitted.

321 **Public right-of-way** means any city street, alley, road, sidewalk, neutral ground, or other
322 passageway whereby pedestrians or vehicles traverse.

323 **Stationary Vendor** means any person, natural or juridical, that has obtained a valid franchise to
324 sell fresh, uncooked or unprepared produce, raw or cooked seafood sold in bulk or by weight that
325 has not been prepared, packaged or served with other prepared food as part of a menu item,
326 farmers selling their own produce or value-added products (oils, jams, jellies, etc.), or flavored
327 frozen water-based food products (snowballs), at a specific, pre-determined and fixed location on
328 a public right-of-way, from any motor vehicle or trailer towed behind any motor vehicle.

329 **Vieux Carré**, for the purpose of this division, means the area bounded by: Iberville Street,
330 northbound side of North Rampart Street, Esplanade Avenue and the Mississippi River.

331 **Sec. 110-196. - Franchise required and authorized.**

332 Every person, whether natural or juridical, who desires to use the public right-of-way or public
333 places to conduct any of the businesses or callings hereinafter set forth, shall first apply for and
334 be granted a stationary vending franchise ordinance from the City Council as provided in this
335 division.

336 **Sec. 110-197. - Franchise requirements.**

- 337 a) For a stationary vendor to lawfully operate in the City of New Orleans, a valid
338 franchise agreement with the City shall be obtained in such a manner pursuant to
339 this division.
- 340 b) A stationary vending franchise shall be applied for with the Department of Public
341 Works and shall be on forms provided by the City and in the format and number
342 of copies as required by the instructions. No franchise shall be issued until all
343 applicable, requisite approvals by the State Department of Health and Hospitals
344 and/or the Louisiana Department of Wildlife and Fisheries are finalized, and
345 received by the Department of Public Works. All franchisees shall comply with
346 all applicable laws and regulations of the State of Louisiana and the Code of the
347 City of New Orleans.
- 348 c) The Director of the Department of Public Works, or his/her authorized designee,
349 shall evaluate the stationary vending franchise application and submit to the City
350 Council a report and recommendation for review and approval. The City Council
351 may issue revocable franchises for the use of certain city streets on such terms and
352 conditions as provided in this division.
- 353 d) Each application for a stationary vending franchise shall provide the desired fixed
354 location on a public street in the City of New Orleans with specificity, and shall
355 provide the desired days of the week and correlating hours the location is
356 proposed to be occupied by the potential franchisee.
- 357 e) Each application for a stationary vending franchise shall provide a photo and the

358 dimensions of the vehicle to be used in the sale of items specified herein. In no
359 event shall any vehicle be more than twenty (20) feet in length or eight (8) feet in
360 width.

361 f) The following standards and criteria shall be utilized by the Department of Public
362 Works in formulating its recommendation to the City Council relative to the
363 appropriateness of an applicant's desired location, day(s) and time(s):

- 364 1) Creation of a pedestrian or vehicular safety hazard;
- 365 2) Road, sidewalk and public right of way geometrics including, but not
366 limited to, design, alignment, configuration, width, and vehicle site-line
367 distance;
- 368 3) Impediments to traffic flow;
- 369 4) Traffic congestion, patterns circulation, movements and average daily trip
370 volumes;
- 371 5) Speed limits and traffic speeds;
- 372 6) Traffic studies and accident rates;
- 373 7) On-street parking requirements;
- 374 8) The geographic make-up of the area;
- 375 9) Impact on any residential uses; and
- 376 10) Any other factor deemed to be a potential safety hazard by the Department
377 of Public Works.

378 Upon evaluating an application for a stationary vending franchise, the Department of Public
379 Works shall recommend approval or denial in a written report to the City Council. The

380 Department of Public Works shall recommend denial of a franchise request that has a significant
381 adverse impact on vehicular or pedestrian flow, movement or safety.

382 g) If approved by the Council, a serial-numbered franchise permit shall be codified
383 in the stationary vending franchise ordinance. Said serial number shall appear on
384 signage placed by the City at the designated selling location and on the stationary
385 vending franchise permit. The Department of Public Works shall also mark the
386 street with lines to indicate the approved stationary vending location. The
387 stationary vending franchise permit shall be conspicuously displayed and affixed
388 to the front windshield, lower corner, passenger side and be clearly visible from
389 outside the motor vehicle at all times during operation. No franchisee shall
390 remain or continue to occupy their designated location beyond the approved days
391 and times without amending their franchise ordinance.

392 h) Franchises are not valid:

393 1) In the Vieux Carré;

394 2) During the Mardi Gras Season in the locations governed by sections 34-34
395 et. seq.;

396 3) During the Annual New Orleans Jazz and Heritage Festival Season within
397 the area bounded by Florida Avenue on the north, North Broad Avenue on
398 the east, Esplanade Avenue on the south, and Bayou St. John on the west
399 (excluding the portion of that area contained within the exterior
400 boundaries of the New Orleans Fair Grounds Racetrack) commencing at
401 7:00 a.m. on the first day of live music performances and continuing

402 through and until 11:59 p.m. on the concluding day of live music
403 performances;

404 4) In a clean zone as authorized by an ordinance adopted by the Council; and

405 5) When the City requires the use of its public right-of-way to facilitate
406 projects or events within the right-of-way.

407 i) The Director of the Department of Public Works may prescribe such other
408 policies and procedures as to the processing of franchise applications as may be
409 required to carry out the full intent and purpose of this Division.

410 j) All applicants for a stationary vending franchise must post an official notification
411 sign informing the public of a pending franchise application. The official
412 notification sign shall be in a format designated by the Department of Public
413 Works and shall be installed by the applicant ten (10) days before the Council
414 meeting at which the application will appear on the agenda for consideration. The
415 official notification sign shall be conspicuously displayed on the same block as
416 the proposed franchise in a location determined by the Department of Public
417 Works and shall be clearly visible. The sign shall include the following
418 information:

419 (1) the name of the franchise applicant and franchise application number,

420 (2) the date, time, and location of the next Council meeting at which the
421 application will appear on the agenda for consideration, and

422 (3) the proposed franchise location and days and times of operation.

423 k) All stationary vending franchise applicants shall be responsible for all costs
424 associated with compliance with the notice requirements of this section.

425 **Sec. 110-198. – Franchise Fees.**

426 There shall be an initial franchise application fee of \$175.00, which shall be submitted to the
427 Department of Public Works along with the franchise application to defray the cost of processing
428 and evaluating the application. Upon franchise issuance, there shall be an additional franchise
429 fee, which shall be renewed annually, to reasonably compensate the City for the cost of the
430 restricted use of the public right-of-way. The cost of the franchise fee shall be as recommended
431 by the Department of Public Works and as ordained by the Council, based on the following
432 criteria:

- 433 1) The location of the franchise;
- 434 2) The length, in feet, the stationary food vending vehicle will occupy on the
435 street;
- 436 3) The times, duration and days of operation;
- 437 4) Parking availability and costs in the area;
- 438 5) Cost of franchise signage and street marking; and
- 439 6) Any other factor deemed to be a potential cost factor as determined by the
440 Department of Public Works or the Council of the City of New Orleans.

441 In no event shall the annual franchise fee exceed \$ 9,950. Payment shall be by check or money
442 order payable to the city. Annual franchise fees are due by January 31, to the Department of
443 Public Works.

444 **Sec. 110-199. – Rules and regulations for all stationary food vendors**

445 In addition to all other applicable laws pertaining to permits and licenses, all stationary food
446 vendors operating pursuant to this section shall also be subject to the following provisions:

- 447 a) All stationary food vendors' vehicles shall be registered in the State of Louisiana.

- 448 Any driver of a stationary food vendor vehicle shall possess a valid Louisiana
449 Driver's License.
- 450 b) All stationary food vendors shall comply with all applicable traffic and vehicle
451 safety laws, regulations and restrictions.
- 452 c) A lawful stationary food vendor shall be permitted to remain on the public right-
453 of-way for the approved days and times provided in their franchise ordinance.
- 454 d) Sales of items specified in this division shall take place only between the hours of
455 6:00 a.m. and 7:00 p.m. Where other more restrictive or permissive time
456 regulations exist, those regulations shall apply.
- 457 e) No stationary food vendor shall operate within twenty (20) feet of any
458 intersection.
- 459 f) No stationary food vendor shall operate within twenty (20) feet of any stop sign,
460 flashing beacon, yield sign or other traffic control signal located on the side of a
461 roadway.
- 462 g) No stationary food vendor shall operate within three (3) feet of any public or
463 private driveway, wheelchair ramp or bicycle ramp.
- 464 h) No stationary food vendor shall sell alcoholic beverages, controlled substances, or
465 any other item the possession or use of which is deemed illegal under any federal,
466 state or local law.
- 467 i) No stationary food vendor shall sell goods, wares or other items of merchandise
468 other than as provided in this division. Stationary food vendors shall only exhibit
469 and sell their goods from the approved vehicle. Nothing may be placed in the
470 street or on the sidewalk. The vendor must have prices posted conspicuously on a

471 sign no larger than six square feet. No other signs, except one identification sign
472 no larger than one square foot, shall be allowed at the stationary food vendor's
473 location.

474 j) It shall be unlawful for any stationary food vendor to operate in any manner that
475 impedes the flow of vehicular or pedestrian traffic on any public right-of-way.

476 k) No stationary food vendor shall operate any horn, sound amplification system, or
477 other sound-producing device or music system in such a manner as to create a
478 noise disturbance.

479 l) Stationary food vendors must comply with all other applicable conditions and
480 requirements imposed upon stationary food vendors under the law, must comply
481 with all applicable city and state health laws and regulations, and shall make such
482 sales tax returns and other reports as required by provisions of the Code of the
483 City of New Orleans.

484 m) All stationary food vendors shall immediately notify the Department of Finance if
485 the State Department of Health and Hospitals revokes a vendor's ability to
486 operate.

487 **Sec. 110-200. – Existing vendors**

488 Nothing contained herein shall invalidate a legally issued and valid permit relative to a location
489 of a stationary vendor that was legally operating on the date of adoption of this ordinance.

490 **Sec. 110-201. – Insurance requirements**

491 (a) At the time of application for, and prior to the issuance of, any franchise pursuant
492 to this division, each and every applicant shall provide written proof of
493 commercial general liability insurance coverage. At the time of application for,

494 and throughout the period of validity of, any permit issued to the applicant, the
495 policy or policies must be in full force and effect and must be underwritten by a
496 carrier licensed to do business in the state. Such insurance coverage shall provide
497 liability coverage of not less than \$100,000.00 for any and all claims against the
498 applicant and/or the city arising out of or in any way connected to or associated
499 with the vendor or any of its operations, including but not limited to bodily
500 injuries, personal injuries, and injuries to property, and shall name the city as an
501 additional insured.

502 (b) At the time of application for, and prior to the issuance of, any permit or franchise
503 pursuant to this division, each and every applicant shall provide written proof of
504 commercial vehicle insurance coverage in compliance with state law.

505 **Sec. 110-202. - Fines and forfeitures – process and procedure.**

506 (a) Any violation of any applicable provision of this chapter may be grounds for
507 revocation of any franchise issued under this division and shall be an infraction
508 punishable by a fine not to exceed \$500.00 per violation.

509 (b) Violations of the provisions of this division shall be brought by the appropriate
510 department or agency to administrative adjudication as provided in Chapter 6 of
511 the Code of the City of New Orleans, or to municipal court.

512 **DIVISION 5.2 – FOOD – Mobile Ice Cream Vending**

513 **Sec. 110-203. – Definitions**

514 **Central Business District**, for the purpose of this division, means the area bounded by: the
515 Mississippi River, the northbound side of North Rampart Street, Iberville Street and Howard
516 Avenue and Andrew Higgins Drive.

517 **Clean Zone** means an area established by an ordinance adopted by the Council of the City of
518 New Orleans that suspends certain permits and prohibits the transaction of certain business
519 and/or commercial activities on designated areas of public property and outside of enclosed
520 buildings, within the City of New Orleans during specific dates and times.

521 **Mobile Ice Cream Truck** means a double-axle vehicle that is self-propelled and completely
522 mobile with no permanent fixed location that sells pre-wrapped or prepackaged ice cream, frozen
523 yogurt, frozen custard, frozen or soft-serve dairy products or similar frozen desert products.

524 **Mobile Ice Cream Vendor** means a person, natural or juridical, that has obtained a valid permit
525 to operate a mobile ice cream truck on the public right-of-way to sell goods as permitted herein
526 to customers for immediate consumption.

527 **Sell** means the transferring of pre-wrapped or prepackaged ice cream, frozen yogurt, frozen
528 custard, frozen or soft-serve dairy products, or similar frozen desert products in exchange for
529 money. Non-frozen items such as pre-packaged soft drinks, candy, chewing gum and snack food
530 may be sold from a mobile ice cream vendor provided that the principal product sold is ice cream
531 and/or similar frozen dessert products. Corporate sampling is not permitted.

532 **Public right-of-way** means any city street, alley, road, sidewalk, neutral ground, or other
533 passageway whereby pedestrians or vehicles traverse.

534 **Vieux Carré**, for the purpose of this division, means the area bounded by: Iberville Street,
535 northbound side of North Rampart Street, Esplanade Avenue and the Mississippi River.

536 **Sec. 110-204. – Permit required and authorization.**

537 Every person, whether natural or juridical, who desires to use the public right-of-way or public
538 places to conduct any of the businesses or callings hereinafter set forth, shall first apply for and
539 be granted a mobile ice cream vending permit from the Department of Finance as provided in
540 this division.

541 **Sec. 110-205. – Permit requirements**

542 (a) A mobile ice cream vending permit shall be applied for with the Department of
543 Finance and shall be on forms provided by the city and in the format and number
544 of copies as required by the instructions. If applicable, no permit shall be issued
545 until all requisite approvals by the State Department of Health and Hospitals are
546 finalized and received by the Department of Finance. All permit holders shall
547 comply with all applicable laws and regulations of the State of Louisiana and the
548 Code of the City of New Orleans.

549 (b) Any permit that is issued shall in each instance state the occasion for which it is
550 Issued and the date upon which it will expire and shall be in addition to any other
551 required tax or license. Permits shall be issued on an annual basis and shall expire
552 on December 31. Renewal applications shall be made by January 31. Nothing
553 contained herein precludes the prorating of permit fees.

554 (c) The number of permits issued under this division shall at no time exceed 25 for
555 the entire city.

556 (d) Permits shall be conspicuously displayed and affixed to the front windshield,
557 lower corner, passenger side and be clearly visible from outside the mobile ice
558 cream truck at all times during operation.

559 (e) Permits issued under this division are valid for use only in residential zoning
560 districts as defined in the New Orleans Comprehensive Zoning Ordinance, as
561 amended. Nothing contained herein shall be construed to permit the use of any
562 permit in the Central Business District or the entirety of the Vieux Carré.

563 (f) Permits issued under this division are not valid:

- 564 a. During the Mardi Gras Season in the locations governed by sections 34-34
565 et. seq.;
- 566 b. During the Annual New Orleans Jazz and Heritage Festival Season within
567 the area bounded by Florida Avenue on the north, North Broad Avenue on
568 the east, Esplanade Avenue on the south, and Bayou St. John on the west
569 (excluding the portion of that area contained within the exterior
570 boundaries of the New Orleans Fair Grounds Racetrack) commencing at
571 7:00 a.m. on the first day of live music performances and continuing
572 through and until 11:59 p.m. on the concluding day of live music
573 performances;
- 574 c. In a clean zone as authorized by an ordinance adopted by the Council; and
- 575 d. When the City requires the use of its public right-of-way to facilitate
576 projects or events within the right-of-way.
- 577 (g) Mobile Ice Cream trucks permitted under this division and operating in
578 compliance with this division shall not be considered a land use subject to
579 regulation under the Comprehensive Zoning Ordinance.
- 580 (h) The Director of the Department of Finance may prescribe such other policies and
581 procedures as to the issuance of permits as may be required to carry out the full
582 intent and purpose of this Division.

583 **Sec. 110-206. – Permit Fees.**

584 There shall be an initial permit application fee of \$50.00, which shall be submitted to the
585 Department of Finance along with the permit application to defray the cost of processing. Upon
586 permit issuance, there shall be an additional \$200.00 permit fee, which shall be renewed

587 annually, to reasonably compensate the City for the cost of the restricted use of the public right-
588 of-way. Payment shall be by check or money order payable to the city.

589 **Sec. 110-207. – Rules and regulations for all mobile ice cream vendors**

590 In addition to all other applicable laws pertaining to permits and licenses, all mobile ice cream
591 vendors operating pursuant to this section shall also be subject to the following provisions:

- 592 a) Sales of items specified in this division shall take place only between the hours of
593 11:00 a.m. and 8:00 p.m.
- 594 b) All mobile ice cream vendors must comply with all applicable city and state
595 health laws and regulations and shall make such sales tax returns and other reports
596 as required by provisions of the Code of the City of New Orleans.
- 597 c) No mobile ice cream vendors shall vend within forty (40) feet of any intersection,
598 stop sign, flashing beacon, yield sign or other traffic control signal located on the
599 side of a roadway.
- 600 d) No mobile ice cream truck shall be more than twenty (20) feet in length or eight
601 (8) feet in width.
- 602 e) No mobile ice cream vendors can vend on any street where the speed limit is
603 greater than 25 miles per hour.
- 604 f) No mobile ice cream vendor shall vend at a particular location more than once a
605 day or longer than 30 continuous minutes without moving the truck to another
606 location at least 1,000 feet away.
- 607 g) Mobile ice cream vendors shall only vend on the passenger side of the ice cream
608 truck.

609

- 610 h) Mobile ice cream vendor shall pull as far as practicable to the side of the right-of-
611 way when stopping for the purpose of making sales and shall operate emergency
612 flashers when so stopped. In no event shall a mobile ice cream vendor stop for
613 the purpose of making sales to prevent passage of other motor vehicles on the
614 right of way or impede the flow of vehicular or pedestrian traffic.
- 615 i) No signage or other obstructions shall block the windows.
- 616 j) Advertising decals shall be limited to the name of the lawful mobile ice cream
617 vendor, the types of wares permitted for purchase under this division and the price
618 lists thereto. The types of wares and price lists shall only be displayed on the
619 vending/passenger side of the ice cream truck.
- 620 k) No mobile ice cream vendor shall sell alcoholic beverages, controlled substances,
621 or any other item the possession or use of which is deemed illegal under any
622 federal, state or local law.
- 623 l) No mobile ice cream vendor shall sell goods, wares or other items of merchandise
624 other than as provided in this division.
- 625 m) No mobile ice cream vendor shall operate any horn, sound amplification system,
626 or other sound-producing device or music system when the truck is stationary, in
627 such a manner to create a noise disturbance, or at any time other than during
628 authorized vending periods.
- 629 n) Mobile ice cream vendors must meet all other applicable conditions or
630 requirements imposed upon mobile vendors under the law.

631 o) All mobile ice cream vendors shall immediately notify the Department of Finance
632 if the State Department of Health and Hospitals revokes a vendor's ability to
633 operate.

634 **Sec. 110-208. – Insurance requirements**

635 (a) At the time of application for, and prior to the issuance of, any permit pursuant to
636 this division, each and every applicant shall provide written proof of commercial
637 general liability insurance coverage. At the time of application for, and
638 throughout the period of validity of, any permit issued to the applicant, the policy
639 or policies must be in full force and effect and must be underwritten by a carrier
640 licensed to do business in the state. Such insurance coverage shall provide
641 liability coverage of not less than \$500,000.00 for any and all claims against the
642 applicant and/or the city arising out of or in any way connected to or associated
643 with the vendor or any of its operations, including but not limited to bodily
644 injuries, personal injuries, and injuries to property, and shall name the city as an
645 additional insured.

646 (b) At the time of application for, and prior to the issuance of, any permit or franchise
647 pursuant to this division, each and every applicant shall provide written proof of
648 commercial vehicle insurance coverage in compliance with state law.

649 **Sec. 110-209. - Fines and forfeitures – process and procedure**

650 (a) Any violation of any applicable provision of this chapter may be grounds for
651 revocation of any permit issued under this division and shall be an infraction
652 punishable by a fine not to exceed \$500.00 per violation.

653 (b) Violations of the provisions of this division shall be brought by the appropriate
654 department or agency to administrative adjudication as provided in Chapter 6 of
655 the Code of the City of New Orleans, or to municipal court.

656 **DIVISION 5.3 – FOOD – Mobile Foot, Pushcart or Animal Drawn Food Vending Permit**

657 **Sec. 110-210. - Definitions**

658 **Central Business District**, for the purpose of this division, means the area bounded by: the
659 Mississippi River, the northbound side of North Rampart Street, Iberville Street and Howard
660 Avenue and Andrew Higgins Drive.

661 **Clean Zone** means an area established by an ordinance adopted by the Council of the City of
662 New Orleans that suspends certain permits and prohibits the transaction of certain business
663 and/or commercial activities on designated areas of public property and outside of enclosed
664 buildings, within the City of New Orleans during specific dates and times.

665 **Mobile foot food vendor** means a person, natural or juridical, that has obtained a valid permit to
666 traverse on foot to serve or distribute victuals on the public right-of-way to customers for
667 immediate consumption, who is completely mobile with no permanent fixed location.

668 **Mobile pushcart food vendor** means a person, natural or juridical, that has obtained a valid
669 permit to serve or distribute victuals on the public right-of-way to customers for immediate
670 consumption from a mobile cart pushed by hand or bicycle that is not motorized, which may be
671 easily and readily moved by any person and is completely mobile with no permanent fixed
672 location.

673 **Mobile animal drawn food vendor** means a person, natural or juridical, that has obtained a
674 valid permit to serve or distribute victuals on the public right-of-way to customers for immediate

675 consumption from a completely mobile vehicle exclusively powered by a horse, donkey or mule,
676 with no permanent fixed location.

677 **Public right-of-way** means any city street, alley, road, sidewalk, neutral ground, or other
678 passageway whereby pedestrians or vehicles traverse.

679 **Serve or distribute** means soliciting the sale of or offering for sale victuals. Corporate sampling
680 is not permitted.

681 **Victuals** means food of any kind that is prepared, packaged or in a form that is suitable for
682 immediate ingestion or consumption by human beings. This definition excludes the selling of
683 fresh produce or raw or cooked seafood sold in bulk or by weight that has not been prepared,
684 packaged or served with other prepared foods as part of a menu item. Sale of fresh, uncooked or
685 unprepared produce or seafood, or farmers selling their own produce or value-added products
686 (oils, jams, jellies, etc.) shall be regulated by Division 5.1 of Article II in Chapter 110 of the
687 Code of the City of New Orleans.

688 **Vieux Carré**, for the purpose of this division, means the area bounded by: Iberville Street,
689 northbound side of North Rampart Street, Esplanade Avenue and the Mississippi River.

690 **Sec. 110-211. – Permit required and authorized**

691 Every person, whether natural or juridical, who desires to use the public right-of-way or public
692 places to conduct any of the businesses or callings hereinafter set forth, shall first apply for and
693 be granted a permit from the Department of Finance as provided in this division.

694 **Sec. 110-212. – Permit requirements**

695 (a) A mobile foot, pushcart or animal drawn food vending permit shall be applied for
696 with the Department of Finance and shall be on forms provided by the City and in
697 the format and number of copies as required by the instructions. If applicable, no

698 permit shall be issued until all requisite approvals by the State Department of
699 Health and Hospitals are finalized and received by the Department of Finance.
700 All permit holders shall comply with all applicable laws and regulations of the
701 State of Louisiana and the Code of the City of New Orleans.

702 (b) Any permit that is issued shall in each instance state the occasion for which it is
703 issued and the date upon which it will expire and shall be in addition to any other
704 required tax or license. Permits shall be issued on an annual basis and shall expire
705 on December 31. Renewal applications shall be made by January 31. Nothing
706 contained herein precludes the prorating of permit fees.

707 (c) The number of permits issued under this division shall at no time exceed 50 for
708 the entire city.

709 (d) Permits shall be conspicuously displayed on the person, pushcart or animal drawn
710 vehicle at all times during operation.

711 (e) Permits issued under this division are valid for use only in business, commercial
712 or mixed use zoning districts as defined in the New Orleans Comprehensive
713 Zoning Ordinance, as amended. Nothing contained herein shall be construed to
714 permit the issuance of any permit for use in the Central Business District, any
715 residential zoning district as defined in the New Orleans Comprehensive Zoning
716 Ordinance, as amended, and the entirety of the Vieux Carré.

717 (f) Permits issued under this division are not valid:

718 a. During the Mardi Gras Season in the locations governed by sections 34-34
719 et. seq.;

720 b. During the Annual New Orleans Jazz and Heritage Festival Season within

721 the area bounded by Florida Avenue on the north, North Broad Avenue on
722 the east, Esplanade Avenue on the south, and Bayou St. John on the west
723 (excluding the portion of that area contained within the exterior
724 boundaries of the New Orleans Fair Grounds Racetrack) commencing at
725 7:00 a.m. on the first day of live music performances and continuing
726 through and until 11:59 p.m. on the concluding day of live music
727 performances;

728 c. In a clean zone as authorized by an ordinance adopted by the Council; and

729 d. When the City requires the use of its public right-of-way to facilitate
730 projects or events within the right-of-way.

731 (g) The Director of the Department of Finance may prescribe such other policies and
732 procedures as to the issuance of permits as may be required to carry out the full
733 intent and purpose of this Division.

734 **Sec. 110-213. – Permit Fees**

735 There shall be an initial permit application fee of \$50.00, which shall be submitted to the
736 Department of Finance along with the permit application to defray the cost of processing. Upon
737 permit issuance, there shall be an additional \$200.00 permit fee, which shall be renewed
738 annually, to reasonably compensate the City for the cost of the restricted use of the public right-
739 of-way. Payment shall be by check or money order payable to the city.

740 **Sec. 110-214. – Rules and regulations for all mobile foot, pushcart or animal drawn food**
741 **vendors**

742 In addition to all other applicable laws pertaining to permits and licenses, all mobile foot,
743 pushcart or animal drawn vendors operating pursuant to this division shall also be subject to the

744 following provisions:

- 745 a) Sales of items specified in this division shall take place only between the hours of
746 11:00 a.m. and 11:00 p.m.
- 747 b) All mobile foot, pushcart or animal drawn food vendors must comply with all
748 applicable city and state health laws and regulations and shall make such sales tax
749 returns and other reports as required by provisions of the Code of the City of New
750 Orleans.
- 751 c) No mobile foot, pushcart or animal drawn food vendor shall operate within
752 twenty (20) feet of any intersection.
- 753 d) No mobile foot, pushcart or animal drawn food vendors shall stop for the purpose
754 of making sales to prevent passage or impede the flow of vehicular or pedestrian
755 traffic.
- 756 e) Advertising shall be limited to the name of the permitted vendor, the type of
757 victuals and the cost.
- 758 f) No mobile foot, pushcart or animal drawn food vendor shall sell alcoholic
759 beverages, controlled substances, or any other item the possession or use of which
760 is deemed illegal under any federal, state or local law.
- 761 g) No mobile foot, pushcart or animal drawn food vendor shall sell goods, ware or
762 other items of merchandise other than as provided in this division.
- 763 h) No mobile foot, pushcart or animal drawn food vendor shall operate any horn,
764 sound amplification system, or other sound-producing device or music system in
765 such a manner to create a noise disturbance.
- 766 i) Mobile foot, pushcart or animal drawn food vendor must meet all other applicable

767 conditions or requirements as imposed by law.

768 j) All mobile foot, pushcart or animal drawn food vendors shall immediately notify
769 the Department of Finance if the State Department of Health and Hospitals
770 revokes a vendor's ability to operate.

771 **Sec. 110-215. – Existing vendors**

772 Nothing contained herein shall invalidate the operating location or parameters of foot, pushcart
773 or animal drawn food vendors that were operating and legally entitled to a permit on the date of
774 adoption of this ordinance.

775 **Sec. 110-216. – Insurance requirements**

776 (a) At the time of application for, and prior to the issuance of, any permit pursuant to
777 this division, each and every applicant shall provide written proof of commercial
778 general liability insurance coverage. At the time of application for, and
779 throughout the period of validity of, any permit issued to the applicant, the policy
780 or policies must be in full force and effect and must be underwritten by a carrier
781 licensed to do business in the state. Such insurance coverage shall provide
782 liability coverage of not less than \$50,000.00 for any and all claims against the
783 applicant and/or the city arising out of or in any way connected to or associated
784 with the vendor or any of its operations, including but not limited to bodily
785 injuries, personal injuries, and injuries to property, and shall name the city as an
786 additional insured.

787 **Sec. 110-217. - Fines and forfeitures – process and procedure**

788 (a) Any violation of any applicable provision of this chapter may be grounds for

789 revocation of any permit issued under this division and shall be an infraction
790 punishable by a fine not to exceed \$500.00 per violation.

791 (b) Violations of the provisions of this division shall be brought by the appropriate
792 department or agency to administrative adjudication as provided in Chapter 6 of
793 the Code of the City of New Orleans, or to municipal court.

794 Secs. 110-218 – 110-220. – Reserved. ”

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS JULY 25, 2013

JACQUELYN BRECHTEL CLARKSON
PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON JULY 26, 2013

APPROVED:

DISAPPROVED: JULY 31, 2013

MITCHELL J. LANDRIEU
MAYOR

RETURNED BY THE MAYOR ON JULY 31, 2013 AT 1:15 P.M.

LORA W. JOHNSON
INTERIM CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS: Clarkson, Gisleson Palmer, Gray, Guidry, Head, Hedge-Morrell - 6

NAYS: 0

ABSENT: Cantrell – 1

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THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY
Lora W. Johnson
INTERIM CLERK OF COUNCIL